

On April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 small-sized boxes and 36 large-sized boxes of Dr. Woolley's bronchial and lung ointment, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the John T. Woolley Remedy Co., Wabash, Ind., alleging that the article had been shipped from Wabash, Ind., on or about March 7, 1931, and had been transported from the State of Indiana into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (8.4 per cent), such as turpentine oil, mustard oil, sassafras oil, and garlic oil, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "Bronchial & Lung Ointment. This Ointment is not only a sure relief for * * * Bronchitis, Pneumonia, Asthma, Quinsy, Pleurisy, Croup, Sore Throat, Tonsillitis, but will promptly arrest pain or soreness in side, back or any part of the body. First application acts like magic * * * Directions:—Applied freely at bedtime * * * is used at once when persons realize that they have taken a heavy cold and the lungs begin to pain. * * * Excellent for headaches, catarrh, deafness, stiff neck, rheumatic pains, swollen joints, sprains and bruises, etc.;" (small circular) "Save Your Lungs! From Acute Colds With * * * Bronchial and Lung Ointment. First application acts like magic. * * * Relief for bronchitis, pneumonia, asthma, quinsy, pleurisy, croup, sore throat, tonsillitis, or pain or soreness in any part of the body. It eases the pain of bunions * * * chilblains and corns speedily and surely. For swollen joints caused by rheumatism there is no more sure relief;" (large circular) "Bronchial and Lung Ointment, * * * Relief of * * * Pains in the Lungs and Chest * * * The Bronchial and Lung Ointment, if used as directed, will promptly arrest any Bronchial Irritation Resulting from cold. When a person * * * is threatened with Pneumonia or Lung Fever, if they will apply the Ointment freely at bed time, or, in a severe case, night and morning, covering the chest with a hot flannel cloth after bathing the chest freely, front and back, it will promptly arrest the disease. This Ointment is not only a sure remedy for * * * Bronchitis, Pneumonia, Asthma, Quinsy, Pleurisy, Croup, Sore Throat, Tonsillitis, but will promptly arrest pain or soreness in side, back or any part of the body. First application acts like magic * * * For Children * * * suffering with heavy * * * sore throat and croup, and the lungs are stuffed up so they can hardly breathe, use the Ointment two or three times and they are relieved. * * * Bronchial Or Universal Ointment, having been fully tried and recommended for Eczema, Tetter, Itching Scalp, Dandruff, and is a tonic and a stimulant for the scalp and promotes the growth of the hair. * * * Ring Worm * * * Itching Piles, Deafness, * * * It eases the pain of bunions, * * * chilblains and corns speedily and surely. For swollen joints caused by rheumatism there is no more sure relief. Also for varicose veins where skin is not broken."

On July 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18659. Adulteration and misbranding of fluid extract of ergot. U. S. v. Sixty 1-Pint Bottles of Fluid Extract Ergot. Consent decree of condemnation and forfeiture. Product released under bond, and destroyed. (F. & D. No. 26253. I. S. No. 22056. S. No. 4589.)

Examination of samples of fluid extract of ergot having shown that the article had a potency of about two-fifths of that required by the United States Pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of sixty 1-pint bottles of fluid extract of ergot, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Upjohn Co., from Kalamazoo, Mich., on or about February 27,

1931, and had been transported from the State of Michigan into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot. U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. X.," was false and misleading.

On June 6, 1931, the Upjohn Co., Kalamazoo, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered by consent of the claimant, condemning and forfeiting the product to the United States. The decree provided that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department, and that it should not be sold or disposed of contrary to the provisions of the law. The claimant, however, elected to destroy the product, which was done in the presence of a representative of this department on July 17, 1931.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18660. Misbranding of Dr. Ward's Liniment. U. S. v. 10 Dozen Small-Sized Bottles, et al., of Dr. Ward's Liniment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25514, 25515. I. S. Nos. 625, 692. S. Nos. 3766, 3767.)

Examination of a sample of Dr. Ward's liniment from the shipments herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 23 and December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 174 small-sized bottles, 36 medium-sized bottles, and 4 large-sized bottles of Dr. Ward's liniment, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Ward's Medical Co., from Winona, Minn., alleging that the article had been shipped from Winona, Minn., in part on or about August 18, 1930, and in part on or about September 17, 1930, and had been transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including capsicum and sassafras, small proportions of volatile oils including camphor, soap, alcohol, and water, colored red.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, all sizes, and carton, 2-ounce size) "For internal Use in Cases of Cholera Morbus, Diarrhoea, Dysentery, Ordinary Colic, Chills and Ague, Ordinary Sore Throat, * * * etc. For External Use in Cases of * * * Swellings, Chillblains, * * * Muscular Rheumatism, Etc.;" (bottle label, 4-ounce and 12-ounce sizes, and carton, 2-ounce size) "Sweeny and Colic;" (carton, 2-ounce size, and portion of cartons, 12-ounce size) "Used as an antidote for Alkali water, for Excessive thirst, and for all troubles emanating from changing and drinking bad water; also for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction;" (circular, all three sizes) "Aches * * * Cholera Morbus * * * Diarrhoea—Take * * * Dr. Ward's Celebrated Liniment. * * * This will usually check the disease. * * * for colic in horses and scours in calves. Chronic Inflammation of the Stomach—Take Dr. Ward's Celebrated Liniment * * * Ordinary Colic—Take * * * Dr. Ward's Celebrated Liniment * * * until relieved. * * * Ordinary Coughs * * * Cramps * * * I was taken with severe pains in the back of my neck. When writing a letter or doing anything which required me to hold my head in a stooped position for a few moments